

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.R.No.686 of 1992

Date of decision:21.3.2007

Raju

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

Present: Mr. Harmandeep Singh, Advocate as Amicus Curiae.
Mr. Deepak Girotra, AAG,Haryana.

JUDGMENT:

This revision petition challenges conviction and sentence of the petitioner. He has been convicted under section 354 IPC and sentenced to undergo RI for one year. He further stands convicted under section 451 IPC, for which he has been awarded sentence of RI for six months. He has also been sentenced to pay fine of Rs.100/-, in default to undergo further RI for two months. The sentences are to run concurrently.

Case of the prosecution is that on 4.4.1989, PW Munni Devi wife of Dariya Singh made a complaint to the police that on 3.4.1989, at 8-9 PM, she was lying on a cot alongwith her daughter. The accused intruded in her house and caught hold of her left hand and uttered obscene words. He also took her in his

arms. She raised alarm, on which her husband and brother-in-law reached there. The accused ran away. Her blouse was torn. After investigation, the accused was challaned. PW1 Munni Devi supported the prosecution version and her version was corroborated by PW2 Dariya Singh and PW6 Surender Singh. Other evidence was also led by the prosecution. Taking into account the evidence led, the trial court accepted the version of the prosecution and convicted and sentenced the appellant.

On appeal, the view taken by the trial court was upheld.

Since none appeared for the appellant, Mr. Harmandeep Singh, Advocate, present in Court, was appointed as amicus. He fairly stated that in view of clear evidence of the victim, which was duly corroborated, there was no ground to interfere with the conviction of the petitioner.

It is well-settled that in exercise of revisional jurisdiction, interference is permissible only if concurrent finding recorded by the courts below is without evidence, based on mis-reading of evidence or by ignoring the relevant evidence. In the present case, the finding recorded by the courts below is based on evidence and there is no illegality or impropriety in the said finding.

It was next submitted that having regard to the fact that the occurrence took place 18 years ago and the fact that the

appellant has remained in custody for about one month, it will not be appropriate to send him to custody at this stage.

Learned counsel for the State is unable to raise any serious objection to the prayer for taking a liberal view on the question of sentence.

Having regard to all the relevant facts and circumstances of the case, I am of the view that ends of justice will be met if while upholding the conviction of the appellant, sentence of the appellant is reduced to the period of sentence already undergone. Ordered accordingly.

March 21, 2007
'gs'

(Adarsh Kumar Goel)
Judge